

REGULAR CITY COUNCIL MEETING
JANUARY 26, 1987

PRESENT

Ruth Hansen
Craig Greathouse
Don Dafoe
Neil Dutson
David Church

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

Gayle Bunker

Council Member

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Richard Waddingham
John Quick
Neil Forster
Ed Lamb
Wade Pierce
Robert Thorup
Thomas L. Lavelle
Lin Blackett
Don Kent

City Manager
City Recorder
City Attorney
City Engineer
Public Works Director

Insight Communications Co.
Ray Quinney & Nebeker
Acton, CATV, Inc.
Acton, CATV, Inc.
Insight Communications Co.

Mayor Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Public Hearing held January 12, 1987, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a regular City Council meeting held January 12, 1987, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member David Church MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment in the amount of \$29,613.11. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: RESOLUTION REGARDING CABLE TELEVISION FRANCHISE RIGHTS TO DELTA

Mayor Hansen asked Attorney Richard Waddingham to discuss with the Council the proposed transfer of an existing television franchise from ACTON CATV, Inc. to Insight Communications Company Inc.

Attorney Waddingham introduced Attorney Robert Thorup and those others in attendance representing Insight Communications Co. Mr. Thorup requested Council's approval to transfer Delta City's cable television franchise from Acton CATV, Inc. to Insight Communications Co.

Council Member Don Dafoe asked Attorney Waddingham if he had conducted a background check on Insight Communications Co. Mr. Waddingham said that he had contacted various Utah cities, along with Banker's Trust Company in New York, and said he received favorable comments about Insight Communications Co.

Possible future expansion of cable service in the Delta area was briefly discussed and representatives of Insight Communications Co. said that cable service could be provided wherever it is economically feasible.

Attorney Waddingham presented and reviewed in detail a proposed resolution entitled:

RESOLUTION NO. 87-160

A RESOLUTION CONDITIONALLY APPROVING THE TRANSFER OF AN EXISTING CABLE TELEVISION FRANCHISE, "FRANCHISE",

HERETOFORE GRANTED BY DELTA CITY TO ACTON CATV, INC., PURSUANT TO DELTA CITY ORDINANCE NO. 81-21 AND SETTING FORTH TERMS AND CONDITIONS FOR APPROVING SUCH TRANSFER OF SAID FRANCHISE FROM ACTON TO INSIGHT COMMUNICATIONS COMPANY, L.P.

Attorney Waddingham reviewed the proposed resolution with the Council and proposed corrections. In discussing paragraph 2 (e), Attorney Waddingham asked Robert Thorup, "If in the event something happened that was Acton's responsibility at the time of the transfer, who would be responsible? Does the transfer release Acton from any liability or will Insight be liable?"

Mr. Waddingham said that it was his understanding that in the situation that anything occurs prior to the time of the transfer, even though the transfer releases Acton, Acton will be liable.

Mr. Thorup said, "There is no document that Insight is asking the City to sign that would release Acton for what it has done, so prior to the date of the transfer, Acton is responsible for what it did or didn't do and the City has the contractual line of responsibility. After the date of the transfer, Insight stands in that position and anything happening after that time is Insight's responsibility."

Mr. Thorup said that Insight and Acton have a private agreement to share in a certain way a proration of certain liabilities depending on different standards, but that does not affect the City's right to have a clear avenue of recourse for some problem that may face the City.

Attorney Waddingham further reviewed the resolution, after which Council Member Craig Greathouse MOVED to adopt Resolution No. 87-160 as corrected. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Gayle Bunker	Absent
Council Member Neil Dutson	Yes
Council Member David Church	Yes

Mayor Hansen then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

STANLEY ROBISON: PROPOSAL TO PURCHASE CITY STREET LOCATED AT APPROXIMATELY 450 SOUTH BETWEEN 100-150 WEST

Mayor Hansen asked Stanley Robison to present a request to purchase a City street to the Council:

Stanley Robison asked the Council if they would be interested in vacating a City street located at 450 South between 100 and 150 West. Mr. Robison said that he and two other adjoining property owners would be willing to buy that property if the City is interested in vacating it. Public Works Director Neil Forster said the street is a 33 foot wide, which borders the City limits and runs into an open drain. He also said that the street has not been used for several years.

The Council gave Mr. Robison approval to use the street, but the City will retain ownership of the street for future use.

Mr. Robison also asked the Council if they would consider vacating an alley in front of his warehouse property located at approximately 400 North 350 West. The Council concurred with a proposed street vacation of 400 North 350 West near Mr. Robison's property and said this would be considered at a later date.

CITY ENGINEER JOHN QUICK: BUSH & GUDGELL PAYMENT REQUEST - BILLING NO. 2-39175 & 2-32721F

Mayor Hansen asked City Engineer John Quick to review Bush & Gudgell Billing No. 2-39175 and 2-32721F with the Council:

Mr. Quick reviewed Bush & Gudgell Billings with the Council and explained each one in detail. He also presented a summary of expenses incurred during the Delta City Open Drain Enclosure Project. The Council expressed concern over the high cost of inspections for the Project, as outlined in the payment request. Mr. Quick discussed with the Council the number of inspections made during the project and why they were required.

Following further discussion, Council Member Craig Greathouse MOVED to approve Bush & Gudgell Billing No. 2-39175 in the amount of \$12,608.45 and Billing No. 2-32721F in the amount of \$725. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mr. Quick then informed the Council that the Community Impact Board money for the remainder of the Open Drain Enclosure Project will be available at the end of February, and the additional Open Drain Enclosure Project is scheduled to begin March 1, 1987.

CITY ENGINEER JOHN QUICK: STREET CORRECTION

Mayor Hansen asked City Engineer John Quick to review with the Council the status of street construction defect within Delta City.

City Engineer John Quick discussed a solution for the repair of the intersection of 200 East 200 North Street. Mr. Quick

proposed to install an inlet box on the southwest quadrant of the intersection.

Council Member David Church MOVED to approve the proposal for street correction on 200 North 200 East with Bennetts doing the work and Bush & Gudgell covering the cost of the repair work. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Mr. Quick then displayed a street blueprint and profile of 100 South and 200 West Street and discussed the following solution to repair the street's drainage problem. It was proposed to take the existing south gutter elevation and project a 1.3% cross slope elevation to the north and to the end of the asphalt. The existing 30 foot asphalt street would be elevated from south to north with new asphalt to permit drain water to flow to the south across the street. The edge of the street where no gutter exists would be dressed with road base. On the south edge of the street, the road base would permit the drain water to run into the existing curb and gutter located on the southwest end of the block. The estimated cost of this street correction would be \$9,154.

The Council then discussed the responsibility of the cost of the street repair. Councilman Dafoe suggested that Delta City purchase, transport, and place the road base for the street repair and Bush & Gudgell be responsible for the remainder of the cost of corrections.

Other Council Members expressed concern regarding the lack of money available for street repairs. Council Member David Church recommended that Delta City do not commit to the purchasing road base. Instead, he favored waiting until the repairs were underway and then deciding to participate if funds are available.

Following further discussion, Council Member David Church MOVED to table the correction to 100 South 200 West until the next regular City Council meeting and to allow time to determine if funds are available to help cover the cost. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

John Quick then said that Plat N of Pendray Estates requires Council's approval. Council Member Craig Greathouse said that the Planning and Zoning has not yet met, but a hearing is scheduled for February 4, 1987. Mr. Quick questioned the status of the bonds on all of the Pendray Subdivisions. He suggested that the bond status be determined before any lots are recorded.

Mr. Quick then reminded the Council that he has been working with Delta City for the past six years, and he expressed his appreciation to the Council for being able to work for Delta City and said he hopes to be able to continue to work for Delta City.

CITY RECORDER DOROTHY JEFFERY: TRANSFER OF MONEY FROM THE WATER/SEWER FUND INTO THE CITY HALL GENERAL FUND TO COVER AUDIT EXPENSES

Mayor Hansen asked City Recorder Dorothy Jeffery to discuss with the Council a requested transfer of funds between departments under the current fiscal year budget.

Mrs. Jeffery requested authorization from the City Council to transfer \$1,500 from Account Number 51-5100-1050 (Professional and Technical-CPA) in the Water Fund and \$1,500 from Account Number 52-5200-1991 (Professional and Technical-CPA) in the Sewer Fund to Account Number 10-4160-1980 (Office Expense) in the City Hall General Fund. Mrs. Jeffery said that the money to be transferred is to cover Water & Sewer Department's portion of the annual audit expense, which has already been paid for out of the General Fund.

Council Member Don Dafoe MOVED to approve the request for authorization to transfer funds. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY ACTIVITY REPORT

Mayor Hansen said that there is an increased number of dogs roaming the streets and requested Council's approval for increased police patrol for animal control. The Council concurred with Mayor Hansen.

The Council asked Attorney Richard Waddingham to explain the 16.2 hours billed for the Cable TV Franchise agreement. Mr. Waddingham said that he did not have time to review that portion of the billing and would like to do so before that portion is considered for payment. Mr. Waddingham requested payment of the January 22, 1987, billing, excluding the 16.2 hours billed. Council Member David Church MOVED that Attorney Waddingham's bill be approved for payment in the amount of \$3,340.81, excluding the 16.2 hours billed. The motion was SECONDED by Council Member Neil Dutson. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Council Member Craig Greathouse asked if Public Works Director Neil Forster had contacted H. W. Nielsen to determine the requirements for water and sewer hookups from his property to the

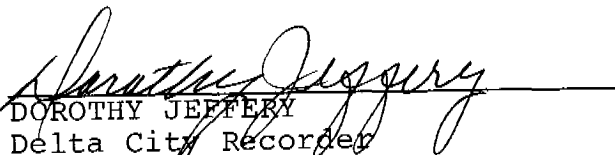
City water and sewer system. Mr. Forster had not been instructed to contact Dr. Nielsen but will do so.

City Manager Jim Allan then presented a proposed budget projection for FY 1987-1988 and reviewed it briefly with the Council.

Council Member Neil Dutson said that Mr. Kleingunther is still interested in constructing a gun manufacturing plant in the proposed Airport Annexation area and is hoping to start Phase I of the plant before July 1, 1987.

Mayor Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously. Mayor Hansen declared the meeting adjourned at 10:00 p.m.


RUTH HANSEN, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 2-09-87